



**MINUTES OF THE GILA COUNTY
BOARD OF ADJUSTMENT
Thursday, July 16, 2020**

Gila County Board of Supervisors Conference Room
610 E. State Hwy 260, Payson, AZ
Gila County Public Works Conference Room
745 N Rose Mofford Way, Globe, AZ
9:00 A.M.

REGULAR MEETING

1. The meeting was called to order at 9:00 A.M. by Chairman Mickie Nye.
2. Pledge of Allegiance was led by Mary Lou Myers.
3. Roll Call: Shealene Loya called the roll; Chairman Mickie Nye (in Payson), Bryan Goslin (in Globe), Mary Lou Myers (in Payson). A quorum was present.

Community Development Staff Members Present: Scott Buzan-Director, Michelle Dahlke-Senior Planner and Shealene Loya-Administrative Assistant.

4. Review and Approval of the Planning and Zoning Minutes from May 21, 2020. Chairman Nye asked if there were any changes needed on the minutes. No changes were suggested. Mrs. Myers motioned to approve the minutes as it and Mr. Goslin seconded the motion.
5. **Director/Planner Communication:** At any time during this meeting of the Planning and Zoning Commission, the Director and/or Planner of Community Development may present a brief summary of current events. No action may be taken.

Mrs. Dahlke- No Comments

Mr. Buzan gave the Board an update on a 4 prior zoning cases.

Information/Discussion/Action:

Public Hearing:

6. U-20-05 Ronald Campopiano: An appeal has been filed against the staff decision to deny a Use Permit request to allow a detached garage and horse stalls to be placed on the property prior to a primary use. The property is located at 4832 North Rose Lane in Strawberry, Arizona (APN 301-07-060A) and is zoned Residence One- Density District 12 (R1-D12).

Mrs. Dahlke gave a brief overview of Mr. Campopiano's Use Permit hearing and the reason for the appeal. At the Use Permit hearing on April 16th, concerns regarding the upkeep of the property and horses were expressed. Staff received 13 letters in opposition of the Use Permit request. Staff denied the Use Permit request because Mr. Campopiano did not establish that the uses would not negatively affect the neighborhood. Staff felt that allowing the RV to be stored on the property opened up the opportunity for someone to live in it. The care of the horses was also a concern. Staff was also made aware that until June 1st, Mr. Campopiano had been living in the RV that was on the property.

Mr. Goslin confirmed that no proposed primary residence has been established and Mrs. Myers expressed concerns regarding the care of the horses.

Michael Harper, an attorney representing Mr. Campopiano, stated that Mr. Campopiano is going to build a primary use on the property and that without the Use Permit, storing his RV and horses has depleted his resources. Mr. Harper stated that staff based their denial of the potential of a possible nuisance to the neighborhood. He stated that Mr. Campopiano denies living in his RV but has the right to live in it during construction. Mr. Harper stated that Mr. Campopiano is allowed to have horses on the property and that the nuisance these horses would cause is just a potential. He also stated that County code does not require a property owner to live on a property while having horses on the property. Mr. Harper suggested to the Board that the Use Permit be granted with a 2-year expiration.

Mrs. Myers confirmed that the CC&R's for the subdivision does not allow for horses to be kept on properties. Mr. Harper stated that he was aware of the CC&R's, but that other property owners in the neighborhood have horses and other farm-type animals.

Mr. Goslin asked for clarification on whether Mr. Campopiano was living in the RV to which Mr. Harper stated that he was not living in the RV despite staff's determination that he was living in the RV.

Mrs. Myers asked if this type of request has ever been brought to the Board previously. Mr. Buzan answered, stating that requests for secondary structures to be constructed prior to a primary use have come before the Board, but not one that specifically requests for a large

structure, an RV, animals and barn stalls to be constructed. Mr. Buzan also stated that based on staff investigation, it was determined that Mr. Campopiano was living on the property. Mr. Harper stated that Mr. Campopiano was at the property a lot to work on improvements.

Chairman Nye voiced his opposition to the 2-year expiration suggested by Mr. Harper.

Mr. Goslin asked why no house plans have been submitted. Mr. Campopiano answered by stating that he doesn't want to pay money for a set of plans that won't meet the County building code. He stated that he was advised by the County that he could build a living unit in the garage that would be considered a primary residence until construction on a home began. He also reiterated that he was not living in the RV while it was parked on the property. He was using the RV for a kitchen and bathroom while he worked to improve the property. Mr. Campopiano stated that the County needed a letter from the engineer of the garage stating that he can modify the structure to accommodate a living area. Randy Pluimer, Gila County Building Official, confirmed that in order to make modifications to an engineered structure, an engineer must approve those modifications.

Mr. Buzan stated that if Mr. Campopiano constructed a living space in the garage, there would be no need for the Use Permit request because a primary residence would be established in that case. However, Mr. Buzan stated that as far as he knows, the Board cannot make a ruling that Mr. Campopiano put a dwelling in the garage because a Use Permit would not be required to do that.

Mr. Harper voiced concerns regarding the money that would be spent on this dwelling and Mr. Campopiano being stuck with a living space that won't be needed after construction of a home.

Upon motion by Mrs. Myers, seconded by Mr. Goslin, the Board unanimously voted to uphold the denial of the Use Permit request.

7. **AV-20-11 Barry Thiem:** An appeal has been filed against the staff decision to deny an Administrative Variance request to permit a detached garage with a 3'-8" side yard setback where 7' is required. The property is located at 3686 North Navajo Drive in

Pine, Arizona (APN 301-18-220) and is zoned Residence One Limited District- Density District 12 (R1L-D12).

Mrs. Dahlke gave a brief description of the request. The applicant states that due to the lot width and located of the septic system, there is no other location to place the garage. Staff determined that there were no extreme hardships on the property that warranted the proposed location of the garage with reduced setbacks. Staff recommends that the Board uphold the denial of the Administrative Variance.

Mrs. Myers expressed that she believes the Board will be seeing more cases similar to this due to some small lot sized in the Pine-Strawberry area.

Mr. Thiem presented his case and explained that he believes his hardship for the Administrative Variance is the irregular lot shape and size of his property. Mr. Thiem stated that his garage will have no negative impact on the neighborhood.

Mr. Goslin asked if Mr. Thiem could move the garage closer to his primary residence to which Mr. Thiem explained that the County requires 6-feet between each structure and that he is at that 6' limit. Mr. Goslin also clarified with Mr. Thiem the located of large trees located on the property and whether they had been removed.

Chairman Nye asked if there was a standard width of a garage to which Randy Pluimer answered by stating about 22'.

Mrs. Myers asked Mr. Thiem is he would be okay with a 22' garage, but Mr. Thiem insisted on 24' if possible.

Upon motion by Mrs. Myers, seconded by Mr. Goslin, the Board unanimously voted to overrule staff decision to deny the Administrative Variance request and approve the 3'-8" setback for the garage.

8. **Adjournment.** Mrs. Myers made a motion to adjourn, seconded by Mr. Goslin. The motion to adjourn was unanimously approved at 10:06 A.M.